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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,302	03/26/2004	Nhut Nguyen	2003.10.010.NS0	8022
23990	7590	07/30/2010		
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P.O. DRAWER 800889			PHUNG, LUAT	
DALLAS, TX 75380				
			ART UNIT	PAPER NUMBER
			2464	
			NOTIFICATION DATE	DELIVERY MODE
			07/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/810,302	Applicant(s) NGUYEN ET AL.
Examiner LUAT PHUNG	Art Unit 2464

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit 2464

/Luat Phung/
Examiner, Art Unit 2464

Continuation of 11, does NOT place the application in condition for allowance because: On pages 10-11, Applicant argues that it is unclear to the Applicants what device in Goodman or Baj is being interpreted by the Office Action as the telecommunication device of Claim 1. The Applicants respectfully submit that the VOIP gateways 16 of Goodman do not comprise a switching fabric including a plurality of voice paths. Examiner disagrees. As recited in the last Office Action, Goodman discloses wherein the test controller comprises a simulator that coordinates verification of a voice and a signaling functionality of the telecommunication device (col. 5, lines 34+; test probe [as test controller] including package to simulate generating calls [as simulator], test probe supporting voice quality testing [as verification of voice]; claim 1; col. 5, lines 4+; ... gateway is configured with resources to perform both types of coding [as voice] and signaling, selecting appropriate coding [as voice] for the call to the test probe and call signaling to establish a connection with the gateway...). The gateways are further shown as 16a-d in Fig. 2, and 16c, 16d and 16-1 to 16-8 in Fig. 3. Fig. 4 shows routing information in the gateway to establish calls. Goodman further discloses, for example, the gateways are connected using various interfaces such as ISDN-PRI, ISDN-BRI, CAS T1/E1, analog FXO wires, all of which are used to establish calls (col. 3, lines 12+); each gateway 16 has multiple connections 52 to support customer traffic (col. 7, lines 65+), the gateway serves as a central office (col. 7, lines 24+); gateway 16-1 routes the call to gateway 16-1 which is identified in the routing information field (col. 8, lines 55+). Clearly the gateway of Goodman comprises a switching fabric including a plurality of voice paths, as claimed, in order to serve as a central and to route the calls.